

UNITED STATES COURT OF APPEALS

Filed 4/25/96

TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES W. HERSHBERGER,

Defendant - Appellant.

No. 95-3271

(D.C. No.95-3254-DES)

(D. Kan.)

ORDER AND JUDGMENT*

Before SEYMOUR, Chief Judge, McKAY and LUCERO, Circuit Judges.

After examining the briefs and the appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

We AFFIRM for the reasons given by the district court. The mandate shall issue forthwith.

*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Entered for the Court

Monroe G. McKay
Circuit Judge